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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,440	12/28/2001	Arjen Brandsma	PB0007/US	4399
466	7590	11/05/2003	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			JOHNSON, VICKY A	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/028,440

Applicant(s)

BRANDSMA, ARJEN

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-10, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Document 6-272737 to Kobayashi.

Kobayashi discloses a transmission belt comprising transverse elements 1 and an endless carrier 2, each transverse element provided with a rocking edge R showing a curvature for allowing neighboring transverse elements to mutually tilt about an substantially axially oriented contact line over a tilting angle, so that a part of the belt may pass along a longitudinally bent trajectory, characterized in that the curvature of the rocking edge notionally displaces the contact line in dependence on the tilting angle.

The curvature of the rocking edge is defined by at least one of a plurality of radii exceeding 20 mm, i.e. the radius of the flattened portion, infinitely greater than 20mm. The curvature of the rocking edge is defined by a plurality of radii that continuously increase in a radially inward direction. The curvature of the rocking edge is substantially elliptical in the region of radius R (see Fig 4). Each transverse element is provided with a projection 7 longitudinally protruding from a principle plane thereof, having a protruding height that is smaller than a maximum tilting clearance in the belt's longitudinal direction at the location of the projection between two mutually contacting

elements as seen in Figure 4. In the radial direction of the transmission belt the rocking edge at least partly coincides with the endless carrier. The curvature of the rocking edge is defined such that the contact line between two neighboring elements is located radially inward from the endless carrier. The transverse element is provided with an axial side face see Fig 1 for contact with a pulley and the rocking edge extends in the radial direction to approximately half a radial dimension of the axial side face.

In reference to claim 10, the prior art discloses the basic product as cited in claim 1. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. See MPEP § 2113.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document 6-272737 to Kobayashi.

Kobayashi discloses the claimed invention except for the radius within the specified range.

Kobayashi discloses that it is known in the art to provide a radius of curvature of the rocking edge that increases with an increased gear reduction ratio. It would have

been obvious to one having ordinary skill in the art at the time the invention was made to provide the rocking face of Kobayashi with a radius greater than 20 mm, in order to allow for a greater gear reduction ratio of a transmission.

11. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document 6-272737 to Kobayashi in view of U.S. Patent No. 6,074,317 to Kobayashi.

Kobayashi discloses the claimed invention except for the belt being used in a CVT of a vehicle.

Kobayashi '371 discloses that it is known in the art to provide a belt with transverse elements having rocking edges in a CVT for a vehicle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the belt of Kobayashi with the vehicle having a CVT as taught by Kobayashi '371, as it is a common use in the art for such a belt.

The rocking edge of the transverse elements of Kobayashi is such that the contact line between two neighboring elements is located radially inward from the endless carrier. At a minimum radius of a bent trajectory part of the belt the displacement of the contact line is at a maximum, as it is at a maximum when the flat portions are contacting on their radially innermost edge.

#### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

vaj *11/3/07*

  
Thomas R. Hannon  
Primary Examiner